

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA**

SONJA COVENTON,)	Case No.
)	
Plaintiff,)	COMPLAINT
)	
vs.)	
)	
MANN BRACKEN, LLC,)	<i>JURY TRIAL DEMANDED</i>
)	
Defendant.)	

I. NATURE OF ACTION

1. This is an action for damages brought by an individual consumer for Defendant's violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, *et seq.* (hereinafter "FDCPA") and of the Revised Code of Washington, Chapter 19.16, both of which prohibit debt collectors from engaging in abusive, deceptive, and unfair practices. Plaintiff further alleges a claim for invasion of privacy by intrusion, ancillary to Defendant's collection efforts.

II. JURISDICTION

2. Jurisdiction of this Court arises under 15 U.S.C. § 1692k(d).

III. PARTIES

3. Plaintiff, Sonja Coventon, is a natural person residing in the State of Washington, County of Tacoma, and City of Port Angeles.

4. Plaintiff is a “consumer” as defined by the FDCPA, 15 U.S.C. § 1692a(3), and a “debtor” as defined by RCW § 19.16.100(11).

5. At all relevant times herein, Defendant, Mann Bracken, LLC, (“Defendant”) was a company engaged, by use of the mails and telephone, in the business of attempting to collect a “debt” from Plaintiff, as defined by 15 U.S.C. § 1692a(5).

6. Defendant is a “debt collector” as defined by the FDCPA, 15 U.S.C. § 1692a(6), and a “licensee,” as defined by RCW § 19.16.100(9).

IV. FACTUAL ALLEGATIONS

7. At various and multiple times prior to the filing of the instant complaint, including within the one year preceding the filing of this complaint, Defendant contacted Plaintiff in an attempt to collect an alleged outstanding debt. Defendant’s conduct violated the FDCPA and RCW § 19.16 in multiple ways, including but not limited to threatening to take an action against Plaintiff that

1 cannot be legally taken or that was not actually intended to be taken, including
2 serving Plaintiff with a summons that threatened a default judgment if she did not
3 respond, using such document as leverage for a settlement, and yet failing to take
4 the action threatened (§ 1692e(5)).
5

6
7 9. Defendant's aforementioned activities, set out in paragraph 8, also
8 constitute an intentional intrusion into Plaintiff's private places and into private
9 matters of Plaintiff's life, conducted in a manner highly offensive to a reasonable
10 person. With respect to the setting that was the target of Defendant's intrusions,
11 Plaintiff had a subjective expectation of privacy that was objectively reasonable
12 under the circumstances.
13
14

15
16 10. As a result of Defendant's behavior, detailed above, Plaintiff
17 suffered and continues to suffer injury to Plaintiff's feelings, personal humiliation,
18 embarrassment, mental anguish and emotional distress.
19

20 **COUNT I: VIOLATION OF FAIR DEBT**
21 **COLLECTION PRACTICES ACT**
22

23 11. Plaintiff reincorporates by reference all of the preceding paragraphs.
24

25 **PRAYER FOR RELIEF**
26

27 WHEREFORE, Plaintiff respectfully prays that judgment be entered
28 against the Defendant for the following:

Complaint - 3

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- A. Declaratory judgment that Defendant's conduct violated the FDCPA;
- B. Actual damages;
- C. Statutory damages;
- D. Costs and reasonable attorney's fees; and,
- E. For such other and further relief as may be just and proper.

**COUNT II: VIOLATION OF WASHINGTON COLLECTION AGENCY
ACT, WHICH IS A PER SE VIOLATION OF THE WASHINGTON
CONSUMER PROTECTION ACT**

12. Plaintiff reincorporates by reference all of the preceding paragraphs.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully prays that judgment be entered against the Defendant for the following:

- B. Actual damages;
- C. Discretionary Treble Damages;
- D. Costs and reasonable attorney's fees,
- F. For such other and further relief as may be just and proper.

Respectfully submitted this 26th day of January, 2009.

s/Jon N. Robbins
Jon N. Robbins
WEISBERG & MEYERS, LLC
Attorney for Plaintiff